

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EASTMAN KODAK COMPANY,

Plaintiff,

04-CV-6095T

v.

ORDER

SONY CORPORATION, et. al.,

Defendant.

Defendant Sony Corporation appeals from the December 27, 2004 Decision and Order of United States Magistrate Judge Jonathan Feldman disqualifying Sony's counsel from continuing to represent Sony in this case. Judge Feldman held that defendant's counsel could not continue to represent Sony due to a conflict of interest that arose as a consequence of counsel's concurrent representation of a wholly-owned subsidiary of Kodak in separate litigation. After carefully considering the facts of the case and the applicable law, Judge Feldman determined that in spite of the fact that counsel did not create the conflict, since it resulted because of Kodak's acquisition of the formerly independent subsidiary, disqualification was nonetheless appropriate in light of the actual conflict resulting from the simultaneous representation of Kodak and its adversary.

For the reasons stated in Judge Feldman's December 27, 2004 Decision and Order, I affirm the granting of plaintiff's motion to disqualify counsel. Judge Feldman's Decision and Order is thorough

and well-reasoned, comprehensive in its analysis and discussion of the parties' arguments, and strikes the correct balance between the parties' competing interests. While the result of Judge Feldman's Order prevents Sony (through no fault of its own) from continuing with its chosen counsel, that result is mandated by the law of this Circuit. I therefore affirm without modification Judge Feldman's December 27, 2004 Decision and Order.

ALL OF THE ABOVE IS SO ORDERED.

S/ Michael A. Telesca

MICHAEL A. TELESKA
United States District Judge

Dated: Rochester, New York
April 29, 2005